

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Richmond Division

IN RE:)
)
CHARLES ANTHONY BARBETTINI JR.) Case No. 22-30131-KRH
) Chapter 13
Debtor)

CHARLES ANTHONY BARBETTINI JR.)
)
Plaintiff)

v.) APN: 22-_____
)

BOSCO CREDIT V TRUST SERIES)
2012-1)
Serve: Franklin Credit Management Corp.)
c/o Corporation Service Co., R/A)
100 Shockoe Slip Fl. 2)
Richmond, VA, 23219)

and)
)

NEYHART & MCCONNELL, P.C., f/k/a)
LONG, LONG & KELLERMAN P.C.,)
TRUSTEE)
Serve: Tracy Neyhart, R/A)
210 Otey Street)
Blacksburg, VA 24060)
)
Defendants)

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219
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Email: jkane@kaneandpapa.com
Counsel for Plaintiff

COMPLAINT TO DETERMINE THE VALIDITY, PRIORITY OR EXTENT OF LIENS

COMES NOW, the Plaintiff, by counsel and respectfully represents unto the Court the following:

1. The jurisdiction of this Court is founded upon 11 U.S.C. § 1322 and Rule 7001 of the Federal Rules of Bankruptcy Procedure.

2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. The Plaintiff is the Debtor in the above captioned Chapter 13 case, which case was filed on January 18, 2022.

4. The estate of the Plaintiff includes an interest in real estate known as 7812 Little Ridge Ct., Chesterfield, VA 23832, more particularly described as:

All that certain lot, piece or parcel of land with improvements thereon and appurtenances thereto belonging, lying and being in the County of Chesterfield, Virginia, shown as Lot 27, Block H, on the certain plat entitled “Creekwood, Section F-2”, dated July 18, 1984, made by J.K. Timmons & Associates, which plat was recorded on July 25, 1984, in the Clerk’s Office, Circuit Court, Chesterfield County, Virginia, in Plat Book 46, pages 80 and 81, and to which reference is hereby made for a more particular description of the property hereby conveyed.

(“Property”).

5. There is a recorded first deed of trust against the Property in favor of U.S. Bank National Association, (“US Bank”), which at the time of the filing of this case had an approximate balance of \$410,230.00, and which deed of trust is dated January 25, 2005 and is recorded in the Clerk’s Office of the Chesterfield County Circuit Court on January 25, 2005 as Instrument No. 006215 (“First Deed of Trust”).

6. There is a recorded second deed of trust against the Property in favor of Bosco Credit V Trust Series 2012-1 (“Bosco”), which at the time of the filing of this case had an

approximate balance of \$147,976.74, and which deed of trust is dated January 25, 2005 and is recorded in the Clerk's Office of the Chesterfield County Circuit Court on January 25, 2005 as Instrument No. 006216 ("Second Deed of Trust").

7. Neyhart & McConnell P.C. f/k/a Long, Long & Kellerman, P.C, Trustee is the named Trustee in the Second Deed of Trust and is a necessary party to this action.

8. Upon information and belief, the value of the Property is \$371,000.00 which is less than the payoff of the promissory note secured by First Deed of Trust. A copy of the current assessment on the Property is attached hereto as Exhibit "A".

9. Based upon the value of the Property and the balance of the note secured by the First Deed of Trust, the Second Deed of Trust on the Property is fully unsecured.

WHEREFORE, the Plaintiff respectfully requests that the Court enter an Order declaring that Bosco's note secured by the Second Deed of Trust is fully unsecured, that the Plaintiff be permitted to treat Ditech's allowed claim with respect to the Second Deed of Trust as unsecured in the Chapter 13 Plan, that the Second Deed of Trust be released against the Property, and for such other relief as the Court may deem appropriate.

Dated: March 9, 2022

Respectfully Submitted,

CHARLES ANTHONY BARBETTINI JR.

By: /s/ James E. Kane

James E. Kane (VSB #30081)
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Counsel for Plaintiff



7812 LITTLE RIDGE COURT

Parcel ID: 762688222300000

Real Estate Account: 306271001

Tax Account: 77226

Overview

2022 Assessment	Last Sale (01/25/2005)
\$371,000.00	\$272,000.00
Property Info	Owner
Parcel ID: 762688222300000	BARBETTINI CHARLES JR & TONIA
Real Estate Account: 306271001	7812 LITTLE RIDGE CT
Property Class: SINGLE FAM RES. (URBAN)	CHESTERFIELD VA 23832
Magisterial District: CLOVERHILL	SINGLE FAM RES. (URBAN)
Subdivision: CREEKWOOD	
Deeded Acreage: N/A	
Legal Description	
CREEKWOOD L 27 BK H SEC F2	

Ownership

Owner Name	Sale Price	Sale Date	# Lots	Deed		Will		Plat	
				Book	Page	Book	Page	Book	Page
BARBETTINI CHARLES JR & TONIA	\$272,000.00	01/25/2005	1	6187	270	0	0	0	0
RICHARDSON R DEAN & DEBORAH M	\$122,300.00	03/18/1985	1	1697	1106	0	0	0	0
MASTER BUILT HOMES INC	\$17,000.00	08/02/1984	1	1668	1565	0	0	0	0
LSP REALTY DEVELOPMENT CORP	\$0.00	07/25/1984	1	1148	472	0	0	0	0
LSP REALTY DEVELOPMENT CORP	\$0.00	03/28/1975	1	1148	472	0	0	0	0

Residential Buildings

Building 1 - (SINGLE DWELLING)			
8 room(s) 4 bedroom(s) 2 bathroom(s) 1 half bath(s) 2918 ft² 0 ft² unfinished NO BASEMENT			
General Description	Building History	Construction Details	Heating/Cooling
Use: SINGLE DWELLING	Year Built: 1985	Foundation: BRICK	Heating: ELECTRIC & HEAT PUMP
Stories:	Year Added:	Exterior: BRICK	Air Conditioning: 1 unit(s)
Style:	Year Remodeled:	FRONT/WOOD	
	Percent Complete: 100%		

Construction: WOOD

FRAME

Lower Level: NA

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Roof: COMPOSITION

SHINGLE

Dormers: NONE

Interior:

CELETEX/SHEETROCK/DRYWALL

Floor: CARPET

Chimneys: 1 BR. CHIM. 2

FIREPLACES



Dimensions

Segment	Story	Exterior Finish	Dimensions	Area
A	1ST FLOOR FINISHED	BRICK FRONT/WOOD	27N10EB12EC8ED14EEF27S44W	1188 ft ²
B	WOOD DECK	NOT APPLICABLE	10W18N30E14S8W4S12W	508 ft ²
C	OVERHANG	BRD&BAT/COMP/INS/MSN/PLY/WDSID	4N8E4S8W	32 ft ²
D	1ST FLOOR FINISHED	BRD&BAT/COMP/INS/MSN/PLY/WDSID	12N14E12S14W	168 ft ²
E	GARAGE	BRICK FRONT/WOOD	19E24S19W24N	456 ft ²
F	OPEN PORCH	NOT APPLICABLE	3N5E3S5W	15 ft ²
G	2ND FLOOR FINISHED	BRICK FRONT/WOOD	19E24S19W24N	342 ft ²
H	2ND FLOOR FINISHED	BRICK FRONT/WOOD	27N10EB12EC8ED14EEF27S44W	1188 ft ²

Commercial Buildings



No commercial buildings available

Improvements

Type	Construction	Exterior Finish	Width	Depth	Total Area
No improvements available					

Land

Details	Water	Utilities	Streets
Deeded Acreage: N/A	County Water: Connected	Gas: Not Available	Paved Streets: Available
Flood Plain: 0 acre(s)	County Sewer: Connected	Electricity: Connected	Storm Drains: Available
Easement: 0 acre(s)	Well: Not Available		Curbing: Available
RPA (Resource Protection Area): 0 acre(s)	Septic: Not Available		

Always contact the Chesterfield County Utilities Department (call 804-748-1271, email:

- utilities@chesterfield.gov, or write Chesterfield County Utilities Department; P.O. Box 608; Chesterfield, VA 23832) to verify county water and sewer availability or connections

Zoning

R7-ONE FAMILY RESIDENTIAL

- Always contact the Chesterfield County Planning Department (call 804-748-1050, email
- planning@chesterfield.gov, or write Planning Dept.; P.O. Box 40; Chesterfield, VA 23832) to verify zoning for any parcel of land.

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the Internet is specifically authorized by the Code of Virginia 58.1-3122.2 (as amended).

Please note that these assessment records are not the official assessment records of Chesterfield County. Official records are located in the Office of the Real Estate Assessor. While the Office of the Real Estate Assessor has attempted to ensure that the assessment data contained herein is accurate and reflects the property's characteristics, Chesterfield County makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this data. Also, the ownership and subdivision plat information available on this website are not the official records. The official ownership records and subdivision plats are located in the Clerk of Circuit Court's office. Chesterfield County does not assume any liability associated with the use or misuse of this real estate assessment data, ownership or subdivision plat information.